

**REMARKS**

**A. The Section 102 Rejections**

Claims 1-36 were rejected under 35 U.S.C. §102(e) as being unpatentable over newly cited Egner et al., U.S. Patent Publication No. 2003/0099014 (“Egner”). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Claims 1, 10, 18, 21, 25 and 33 are independent claims and it is these claims that we now turn, it being understood that the following rationales apply equally to the claims that depend on each of these independent claims.

**(i) claim 1**

Claim 1 includes the feature of, among other things, establishing a connection along a path whenever a path performance parameter is better than a threshold.

Egner does not disclose (or suggest) such a feature. Instead, Egner presents a generalized discussion of routing and wavelength assignment (RWA) and the use of optical-to-electrical-to-optical converters (OEOs). However, at no point does Egner discuss the establishment of a connection using a wavelength that was selected based on a wavelength performance parameter threshold.

**(ii) claim 10**

Claim 10 includes the feature of, among other things, attempting to establish a connection along a path whenever a path performance parameter is within a range that defines a specified class of service.

Initially, Applicants note that the Examiner does not set forth an explicit basis for rejecting claim 10. So, the Applicants are not certain what the basis is for rejecting claim 10.

Nonetheless, Applicants point out that the excerpts from Egner cited by the Examiner appear to present a generalized discussion of routing and wavelength assignment (RWA) and the use of optical-to-electrical-to-optical converters (OEOs). However, at no point does Egner discuss attempts to establish a connection along a path whenever a path performance parameter is within a range that defines a specified class of service.

**(iii) claim 18**

Claim 18 includes the feature of determining a reach-wavelength correspondence for all wavelengths available for transporting user signals in a network and storing the correspondence in a wavelength performance database.

As with claim 10, the Examiner does not appear to have explicitly set forth a basis for rejecting claim 18. Nonetheless, it appears to the Applicants that the excerpts from Egner cited by the Examiner appear to present a generalized discussion of routing and wavelength assignment (RWA) and the use of optical-to-electrical-to-optical converters (OEOs). At no point does Egner discuss the determination of a reach-wavelength correspondence for all wavelengths available for transporting user signals in a network and then storing the correspondence in a wavelength performance database.

**(iv) claim 21**

Claim 21 includes the feature of a performance calculator for calculating a path performance parameter based on network connectivity information and measured path performance data.

Initially, as with claims 10 and 18, the Applicants note that the Examiner does not set forth an explicit basis for rejecting claim 21. So, the Applicants are not certain what the basis is for rejecting claim 21.

Nonetheless, Applicants point out that the excerpts from Egner cited by the Examiner appear to present a generalized discussion of routing and wavelength assignment (RWA) and the use of optical-to-electrical-to-optical converters (OEOs). However, at no point does Egner discuss a performance calculator for calculating a path performance parameter based on network connectivity information and measured path performance data.

**(v). claim 25**

Claim 25 includes the feature of connecting an optical signal analyzer to a plurality of measurement points in a network for automatically collecting on-line measured performance data.

Initially, as with previous claims, the Applicants note that the Examiner does not set forth an explicit basis for rejecting claim 25. So, the Applicants are not certain for the basis for rejecting claim 25.

Nonetheless, Applicants again point out that the excerpts from Egner cited by the Examiner appear to present a generalized discussion of routing and wavelength assignment (RWA) and the use of optical-to-electrical-to-optical

converters (OEOs). However, at no point does Egner discuss the connection of an optical signal analyzer to a plurality of measurement points in a network for automatically collecting on-line measured performance data.

**(vi) claim 33**

Claim 33 includes the feature of controlling the operation of all other wavelengths passing through a specified regenerator section to maintain the performance data of each of these other wavelengths within a respective range.

Initially, as with previous claims, the Applicants note that the Examiner does not set forth an explicit basis for rejecting claim 33.

Nonetheless, Applicants again point out that the excerpts from Egner cited by the Examiner appear to present a generalized discussion of routing and wavelength assignment (RWA) and the use of optical-to-electrical-to-optical converters (OEOs). However, at no point does Egner discuss controlling the operation of all other wavelengths passing through a specified regenerator section to maintain the performance data of each of these other wavelengths within a respective range.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-36.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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